

Attorney Docket No.: F7708(V)  
Serial No.: 10/559,587  
Filed: December 2, 2005  
Confirmation No.: 2710

## **REMARKS**

### ***Amendment to the Specification***

The specification has been amended starting on page 2, line 18 and continuing to page 4, line 31 to adopt the preferred layout suggested by the Examiner; to correct typographical errors; and to describe features of the embodiment disclosed in the original drawings but not fully described in the written specification.

It has been well decided in re Mahukar (28 USPQ2d 1801, affirmed in United States Court of Appeals for the Federal Circuit 2007-1196) that a drawing even in a design patent having no written description can provide support for a subsequent utility patent provided the drawing conveys with reasonable clarity to a person of ordinary skill in the art the subject matter described and claimed in the subsequent utility patent.

The following additional features which the amended specification describes and which applicants also claim are all conveyed with reasonable clarity in the original drawings and now specifically labeled in amended Figures 1-3. Thus, the original drawings provide support for the amended specification and claims. The specific features now recited in the specification are:

The lid (4) is not hingably attached to the kettle part, which comprises the cylindrical outer container (1) and cylindrical inner container (2)).

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The hinge (5) divides the lid into two parts now labelled (8) and (8').

The lid (4) also includes three handles now labelled (9), (9') and (10). Handles (9) and (9') are located on lid parts now labelled (8) and (8') respectively and a third handle now labelled (10) is located over the hinge (5).

The cylindrical inner container (1) further includes a central member now labeled (11) positioned above the vertical separating plate (3), said central member separated from the vertical separating plate by a gap now labeled (12).

All the above described features are shown in the original drawings, and now labeled in the amended drawings.

#### ***Amendment to the claims***

Claim 1 has been amended without prejudice to more clearly define the subject matter of the invention and to recite preferred embodiments of applicants' invention that are more clearly differentiated from the prior art . Specifically,

Amended claim 1 specifies that the kettle system includes "a cylindrical inner container which fits inside said cylindrical outer container" so as to make clearer the relationship between the two containers, which is clear from the size relationship of the containers shown in Fig 1, their names ("outer" and "inner") and the disclosures on page 3, lines 8-10 and page 4, line 13.

Amended claim 1 specifies that the kettle assembly includes "a cylindrical inner container having a vertical separating plate separating the cylindrical inner container

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into at least two compartments" to make clearer the function of the separating plate as seen from Fig 3.

Amended claim 1 specifies that the "lid is not hingably attached to the kettle part and further specifies that the lid "comprises a hinge dividing the lid into two parts". The former limitation is supported by original Fig. 1 where it is clearly seen that the lid (4) is not attached to the kettle part (neither the cylindrical inner container (2) nor cylindrical outer container (1)) by means of a hinge or any other permanent fastener. The latter limitation is also supported by Fig. 1 where it is seen that the element (5) divides the lid (4) into two accurate parts now labeled (7) and (7') – see amended drawing sheet 1.

The last phrase in claim 1 has been amended to insert the word "cylindrical" before "inner container to make its antecedent basis clearer.

The limitation of claim 2 has also been incorporated into claim 1 by deleting the qualifier "at least", i.e., the separating plate divides the cylindrical inner container into two parts.

Claims 3-4 have been amended to insert the word "cylindrical" before the element named "outer container" to make its antecedent basis clearer.

Claim 2 has been canceled without prejudice.

New claims 8-10 have been introduced.

Claim 8 specifies that there is a "gap between the cylindrical inner container and the cylindrical outer container said gap filled with water which is kept at a

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predetermined temperature by means of an electrical heating means in the bottom of the cylindrical outer layer". This limitation is disclosed on page 3, lines 10-18.

Claim 9 specifies that the lid includes three handles, wherein one handle is located on each of the two lid part and one handle is located over the hinge. These three hinges are clearly seen in the lid (4) depicted in original Fig 1 and are now specifically labeled (9) and (9') and (10) in the amended drawing sheet.

Claim 10 specifies that the cylindrical inner container further comprises a central member positioned above the vertical separating plate, said central member separated from the vertical separating plate by a gap. These features are disclosed in original FIGs 1 and 3 and now labeled in the replacement drawings.

#### ***Amendment to the Drawings***

Figures 1-3 have been amended to label features that are disclosed in the original drawings. No new matter has been added.

Replacement drawings for drawing sheet 1 (Fig 1 and Fig 2) and drawing sheet 2 (Fig 3) and annotated versions showing the changes made are attached.

The changes were made both to add identifying numbers for elements disclosed in the original drawings so that they could be recited in the amended specification and claims and to clarify the label of the vertical separating plate (3) in Fig 1 and Fig 3.

#### ***Claim Rejections – 35 USC § 112***

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Claims 1-7 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicants have made the following amendments.

The antecedent basis for "inner container" has been corrected by inserting the word "cylindrical" before "inner container" which is consistent with the part (2) referenced in the specification at page 4, line 18.

The verbiage "characterised in that kettle part comprises" has been replaced by "said kettle part comprising" which makes the meaning clear and definite.

The phrase "a cylindrical inner container fitting inside said outer container, has been changed to "a cylindrical inner container which fits inside said outer container" as is disclosed on page 4, line 13, which states that inside the outer container there is a cylindrical inner container which can be easily removed (page 3, lines 8-10).

The verbiage recited in claim 1 "cylindrical inner container having therein a vertical separating plate, such that at least two compartments are formed" has been changed to "cylindrical inner container having a vertical separating plate separating the inner cylindrical container into two compartments" which is clear from the drawings (Fig 3) and original claim 2.

In view of the above amendments and remarks, applicants respectfully request that the 112 second paragraph rejection be reconsidered and withdrawn.

#### ***Claim Rejections – 35 USC § 102***

Claims 1-7 were rejected under 35 USC §102(b) as being anticipated by either EP 063 822A ('822) or WO 00/49924 ('924). Applicants respectfully request

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the Examiner to reconsider this rejection in light of the above amendments and following remarks.

'822 discloses an "Electrical cooking apparatus comprising a casing (10) of cylindrical pan shape, a heating resistance (12) disposed in a horizontal plane near the bottom of said pan, means for controlling the current supply to said resistance (12), a removable pot (14) which fits into said pan and which may take a first or so-called cooking position in which the bottom (16) of said pot (14) is in thermal contact with said resistance (12), and comprising means for supporting the pot (14) and intended to support said pot (14) within said pan in a second or so-called upper position, characterized in that in said upper position the bottom (16) of the pot (14) is remote from the resistance (12)" (abstract and Figures).

Claim elements missing from '822

The following elements recited in applicants claims are not disclosed in '822

A lid which is not attached by means of a hinge to the kettle part (e.g., the brim), the lid being divided into two parts by a hinge (claim 1).

A cylindrical inner container having a vertical separating plate separating the cylindrical inner container into two compartments (claim 1)

A gap between the cylindrical inner container and the cylindrical outer container said gap filled with water which is kept a predetermined temperature (new claim 9)

A lid that includes three handles, wherein one handle is located on each of the two lid part and one handle is located over the hinge (new claim 10).

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A cylindrical inner container that includes a central member positioned above the vertical separating plate, said central member separated from the vertical separating plate by a gap (new claim 11).

'924 discloses "a food cooking pot provided with an internal dividing wall and lid split into two halves each one of them attached to the brim by means of hinges allowing each half to be opened and closed independently" (abstract and Fig 1).

Claimed element missing from '924

The following elements recited in applicants claims are not disclosed in '922

A kettle part comprising a cylindrical outer container and a cylindrical inner container which fits inside said cylindrical outer container.

A lid which is not attached by means of a hinge to the kettle part (e.g., at the brim); the lid being divided into two parts by a hinge (claim 1).

A gap between the cylindrical inner container and the cylindrical outer container that is filled with water which is kept a predetermined temperature (new claim 9).

A lid that includes three handles, wherein one handle is located on each of the two lid parts and one handle is located over the hinge (new claim 10).

A cylindrical inner container that includes a central member positioned above the vertical separating plate, said central member separated from the vertical separating plate by a gap (new claim 11).

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Absent a disclosure of the above listed elements recited in applicants claims neither '822 nor '924 could anticipate applicants' claims.

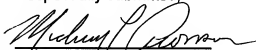
Nor are applicants' claims obvious from '822 or '924 either alone or in combination. '822 is directed to a two part electric cooking apparatus which incorporates a positioning mechanism to allow the temporary removal of the inner cooking chamber from a resistance heater located at the bottom of the outer chamber. '942 is directed to a cooking pot which allow the simultaneous cooking of two different foods in the same pot by having side by side compartments each with a hinged lid.

In contrast, applicants' invention is directed to the problem of the simultaneous delivery of more than one type of soup at a constant and elevated temperature and in a restricted space. Neither '822 nor '924 address this problem. In the absence of the missing elements discussed above neither reference alone or in combination presents a *prima facie* case of obviousness over applicant's claims.

In view of the foregoing amendments and remarks, applicants respectfully request that the application be allowed to issue.

If a telephone conversation would be of assistance, Applicant's undersigned agent invites the Examiner to telephone at the number provided.

Respectfully submitted,



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